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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,569	03/12/2004	Thomas Lloyd Hiller	2100.005300/HILLER 21-15	6464
Terry D. Morgan Williams, Morgan & Amerson, P.C. Suite 1100 10333 Richmond Houston, TX 77042				
EXAMINER YOUNG, JANELLE N				
ART UNIT 2618			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,569

Applicant(s)

HILLER ET AL.

Examiner

Janelle N. Young

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 6, and 9 have been considered but are moot in view of the new ground(s) of rejection.

Maggenti et al. teaches a method of communication with a dormant [[wireless unit]] mobile station (Abstract), the method comprising: receiving a page response signal from the dormant mobile station; and providing a message from the MCU that grants or denies response to the requesting mobile; reads on claimed an indication-to-speak to the first mobile station in response to receiving a page-event indication from a mobility data network, the page-event indication being formed by the mobility data network based on the page response signal (Page 3, Para 0044 & 0049; Page 8, Para 0108; Page 11, Para 0137; and Page 12, Para 0157 in correspondence to Page 1, Para 0012-0013; Page 10, Para 0128 – Page 11, Para 0137 and Page 17, Para 0219-0221 with respect to Page 7, Para 0098 and Page 20, Para 0252).

Maggenti et al. teaches a method of communication with a dormant [[wireless unit]] mobile station, further comprising: establishing a connection with the dormant mobile station in response to receiving the page response signal (Page 3, Para 0042; Page 4, Para 0052; Page 8-9, Para 0110; Page 15, Para 0193; and Page 20, Para 0257), the communications manager (CM) forms connections of individual communication terminals to form one talk group, or net; which reads on claimed the indication-to-speak being provided to the first mobile station concurrently with establishing the connection (Page 4, Para 0052 and Page 5, Para 0069). **Note:** the CM

provides capability to manage realtime, administrative, and authenticity operations of (NBS) nets, push-to-talk (PTT) request arbitration, maintenance and distribution of net membership and registration lists, call set-up and tear-down of necessary CDMA system and network resources, as well as overall control of net status; and delivering the message over the connection (Page 6, Para 0074-0075 and Page 12, Para 0155 & 0159).

Response to Amendment

Claim Objections

2. A series of singular dependent claims (Claims 7 & 8) is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 112

3. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter (establishing a connection with the dormant mobile station in response to receiving the page response signal, the indication-to-speak being provided to the first mobile station concurrently with

establishing the connection) which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Maggenti et al. (US Pub 2002/0094831).

As for Claim 1, Maggenti et al. teaches a method of communication with a dormant [[wireless unit]] mobile station (Abstract), the method comprising:

paging the dormant [[wireless unit]] mobile station in response to receiving a request from a first mobile station to transmit a message to the dormant mobile station (Page 1, Para 0010-0013; in respect to Page 7, Para 0098 and Page 20, Para 0252);

receiving a page response signal from the dormant mobile station; and providing a message from the MCU that grants or denies response to the requesting mobile; reads on claimed an indication-to-speak to the first mobile station in response to receiving a page-event indication from a mobility data network, the page-event indication being formed by the mobility data network

based on the page response signal (Page 3, Para 0044 & 0049; Page 8, Para 0108; Page 11, Para 0137; and Page 12, Para 0157 in correspondence to Page 1, Para 0012-0013; Page 10, Para 0128 – Page 11, Para 0137 and Page 17, Para 0219-0221 with respect to Page 7, Para 0098 and Page 20, Para 0252).

As for Claim 2, Maggenti et al. teaches a method of communication with a dormant [[wireless unit]] mobile station , wherein paging the dormant mobile station in response to receiving the request from the first mobile station to transmit a message to the dormant mobile station further comprises paging the dormant mobile station in response to receiving a request from the first mobile station to transmit a PTT; which reads on claimed PoC, message to the dormant mobile station (Abstract; Page 1, Para 0004 & 0010-0013; Page 8, Para 0108 and Page 13, Para 0176-0178).

As for Claim 3, Maggenti et al. teaches a method of communication with a dormant [[wireless unit]] mobile station, further comprising:

establishing a connection with the dormant mobile station in response to receiving the page response signal (Page 3, Para 0042; Page 4, Para 0052; Page 8-9, Para 0110; Page 15, Para 0193; and Page 20, Para 0257), the communications manager (CM) forms connections of individual communication terminals to form one talk group, or net; which reads on claimed the indication-to-speak being provided to the first mobile station concurrently with establishing the connection (Page 4, Para 0052 and Page 5, Para 0069). **Note:** the CM provides capability to manage realtime, administrative, and authenticity operations of (NBS) nets, push-to-talk (PTT) request arbitration, maintenance and distribution

of net membership and registration lists, call set-up and tear-down of necessary CDMA system and network resources, as well as overall control of net status; and delivering the message over the connection (Page 6, Para 0074-0075 and Page 12, Para 0155 & 0159).

As for Claim 4, Maggenti et al. teaches a method of communication with a dormant [[wireless unit]] mobile station , wherein establishing the connection with the dormant mobile station in response to receiving the page response signal further comprises establishing a plurality of connections with the dormant mobile station in response to receiving the page response signal (Page 3, Para 0042; Page 4, Para 0052; Page 8-9, Para 0110; Page 15, Para 0193; and Page 20, Para 0257 in respect to Page 7, Para 0098 and Page 20, Para 0252).

As for Claim 5, Maggenti et al. teaches a method of communication with a dormant [[wireless unit]] mobile station , wherein paging the dormant mobile station in response to receiving the request from the first mobile station to transmit the message to the dormant mobile station further comprises paging the dormant mobile station in response to receiving a request-to-speak from the first mobile station to transmit a voice message to the dormant mobile station (Abstract; Page 1, Para 0004 & 0010-0013; and Page 8-9, Para 0110 in respect to Page 7, Para 0098 and Page 20, Para 0252).

As for Claim 6, Maggenti et al. teaches a method of communicating with a [[wireless unit]] mobile station comprising: delivering a request to transmit a message to the [[wireless unit]] mobile station ; and receiving a page-event indication-to-speak from a mobility data network, the page-event indication being formed by the mobility

data network based on the page response signal received from the mobile station (Page 3, Para 0044 & 0049; Page 8, Para 0108; Page 11, Para 0137; and Page 12, Para 0157 in correspondence to Abstract; Page 1, Para 0004 & 0010-0013; ; Page 10, Para 0128 – Page 11, Para 0137; and Page 17, Para 0219-0221 with respect to Page 7, Para 0098 and Page 20, Para 0252).

As for Claim 7, Maggenti et al. teaches a method of communication with a dormant [[wireless unit]] mobile station , wherein delivering the request to transmit the message to the mobile station further comprises delivering a request to transmit a PTT; which reads on claimed PoC, message to a mobile station (Page 3, Para 0043; Page 4, Para 0060 in correspondence with Page 6, Para 0074-0075 and Page 12, Para 0155 & 0159).

As for Claim 8, Maggenti et al. teaches a method of communicating with a [[wireless unit]] mobile station , wherein delivering the request to transmit the message to the mobile station further comprises delivering a request-to-speak to a mobile station (Page 6, Para 0074-0075; Page 10-11, Para 0137; Page 12, Para 0155 & 0159; and Page 17, Para 0220-0222).

Regarding claim 9, see explanation as set forth regarding claim 1 (method claim) because the claimed apparatus for communication between a first and a second [[wireless unit]] mobile station would perform the method steps.

Regarding claim 10, see explanation as set forth regarding claim 2 (method claim) because the claimed apparatus for communication between a first and a second [[wireless unit]] mobile station would perform the method steps.

Regarding claim 11, see explanation as set forth regarding claim 3 (method claim) because the claimed apparatus for communication between a first and a second [[wireless unit]] mobile station would perform the method steps.

Regarding claim 12, see explanation as set forth regarding claim 4 (method claim) because the claimed apparatus for communication between a first and a second [[wireless unit]] mobile station would perform the method steps.

Regarding claim 13, see explanation as set forth regarding claim 5 (method claim) because the claimed apparatus for communication between a first and a second [[wireless unit]] mobile station would perform the method steps.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JNY
June 11, 2007


NAY MAUNG
SUPERVISORY PATENT EXAMINER